

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3                                   **-oOo-**

4                   UNITED STATES OF AMERICA,

2:17-cr-73-APG-GWF

5                                   Plaintiff,

ORDER

6                                   vs.

7                   JUSTIN ANTHONY FISHER,  
                                  Defendant.

8                                   **FINDINGS OF FACT**

9                   Based on the pending Stipulation of counsel, and good cause appearing  
10 therefore, the Court hereby finds that:

- 11           1.       Government counsel was scheduled to be in *United States v. Peraza* before the  
12                   Honorable Judge Gordon beginning on August 21, 2017, and the case was  
13                   continued the morning of trial. In diligently preparing for trial, Government  
14                   counsel has been unable to draft a response to the Defendant's motion  
15                   2.       Defense counsel is currently in a state death penalty trial and will require  
16                   additional time to reply to the Government's response.  
17                   3.       The defendant is incarcerated, and but not object to the continuance.  
18                   4.       Denial of this request for continuance could result in a miscarriage of justice.  
19                   5.       The additional time requested herein is not sought for purposes of delay, but to  
20                   allow for adequate and efficient response time to the defendant's motion.  
21                   6.       This is the first request for a continuance of deadline for the Government to  
22                   respond to the defendant's Motion to Suppress Evidence.  
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1 **CONCLUSIONS OF LAW**

2 Based on the fact that the parties have agreed to the continuance; based on the  
3 fact that the defendant does not object to the continuance; and based on the fact that  
4 denial of this request for continuance could result in a miscarriage of justice, the Court  
5 hereby concludes that:

6 The ends of justice are served by granting said continuance, since the failure to  
7 grant said continuance would be likely to result in a miscarriage of justice and would  
8 deny adequate response to the pending motion to dismiss, taking into account the  
9 exercise of due diligence.

10 **ORDER**

11 IT IS THEREFORE ORDERED that the deadline for the Government to respond  
12 to defendant's Motion to Suppress Evidence is hereby reset to September 4, 2017 and  
13 the Motion Hearing is reset to September 14, 2017 at 1:30 p.m., Courtroom 3D  
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15 Dated: 8/23/2017

16   
17 HONORABLE GEORGE W. FOLEY  
18 UNITED STATES MAGISTRATE JUDGE  
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